

# House File 241 - Introduced

HOUSE FILE 241

BY WAGNER

## A BILL FOR

1 An Act exempting vessels without motor or sail from state  
2 registration and numbering requirements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 462A.5, Code 2011, is amended to read as  
2 follows:

3 **462A.5 Registration and identification number.**

4 1. The owner of each vessel required to be numbered by this  
5 state shall register it every three years with the commission  
6 through the county recorder of the county in which the owner  
7 resides, or, if the owner is a nonresident, the owner shall  
8 register it in the county in which such vessel is principally  
9 used. The commission shall develop and maintain an electronic  
10 system for the registration of vessels pursuant to this  
11 chapter. The commission shall establish forms and procedures  
12 as necessary for the registration of all vessels.

13 2. The owner of the vessel shall file an application for  
14 registration with the appropriate county recorder on forms  
15 provided by the commission. The application shall be completed  
16 and signed by the owner of the vessel and shall be accompanied  
17 by the appropriate fee, and the writing fee specified in  
18 section 462A.53.

19 a. Upon applying for registration, the owner shall display  
20 a bill of sale, receipt, or other satisfactory proof of  
21 ownership as provided by the rules of the commission to the  
22 county recorder. If the county recorder is not satisfied as to  
23 the ownership of the vessel or that there are no undisclosed  
24 security interests in the vessel, the county recorder may  
25 register the vessel but shall, as a condition of issuing a  
26 registration certificate, require the applicant to follow the  
27 procedure provided in section 462A.5A.

28 b. Upon receipt of the application in approved form  
29 accompanied by the required fees, the county recorder shall  
30 enter it upon the records of the recorder's office and shall  
31 issue to the applicant a pocket-size registration certificate.  
32 The certificate shall be executed in triplicate, one copy to  
33 be delivered to the owner, one copy to the commission, and one  
34 copy to be retained on file by the county recorder.

35 c. The registration certificate shall bear the number

1 awarded to the vessel, the passenger capacity of the vessel,  
2 and the name and address of the owner.

3     3. In the use of all vessels required to be numbered by  
4 this state, except nonpowered sailboats, ~~nonpowered canoes~~,  
5 and commercial vessels, the registration certificate shall be  
6 carried either in the vessel or on the person of the operator  
7 of the vessel when in use. In the use of nonpowered sailboats,  
8 ~~nonpowered canoes~~, or commercial vessels, the registration  
9 certificate may be kept on shore in accordance with rules  
10 adopted by the commission. The operator shall exhibit the  
11 certificate to a peace officer upon request or, when involved  
12 in an occurrence of any nature with another vessel or other  
13 personal property, to the owner or operator of the other vessel  
14 or personal property.

15     4. A vessel that has an expired registration certificate  
16 from another state may be registered in this state upon proper  
17 application, payment of all applicable registration and writing  
18 fees, and payment of a penalty of five dollars.

19     5. On all vessels required to be numbered by this state,  
20 except nonpowered sailboats, the owner shall cause the  
21 identification number to be painted on or attached to each side  
22 of the bow of the vessel in such size and manner as may be  
23 prescribed by the rules of the commission. On nonpowered ~~boats~~  
24 sailboats the number may be placed at alternate locations as  
25 prescribed by the rules of the commission. All numbers shall  
26 be maintained in a legible condition at all times.

27     6. No number, other than the number awarded to a vessel  
28 under the provisions of this chapter or granted reciprocity  
29 pursuant to this chapter, shall be painted, attached, or  
30 otherwise displayed on either side of the bow of such vessel.

31     7. The owner of each vessel required to be numbered by this  
32 state must display and maintain, in a legible manner and in a  
33 prominent spot on the exterior of such vessel, other than the  
34 bow, the passenger capacity of the vessel which must conform  
35 with the passenger capacity designated on the registration

1 certificate.

2     ~~2.~~ 8. When an agency of the United States government ~~shall~~  
3 ~~have~~ has in force an overall system of identification numbering  
4 for vessels, the numbering system prescribed by the commission  
5 pursuant to this chapter, ~~shall be in conformity therewith~~ with  
6 the federal system of identification numbering.

7     ~~3.~~ 9. The registration fees for vessels subject to this  
8 chapter are as follows:

9     ~~a.~~ For vessels of any length without motor or sail, twelve  
10 dollars.

11     ~~b.~~ a. For motorboats or sailboats less than sixteen feet in  
12 length, twenty-two dollars and fifty cents.

13     ~~c.~~ b. For motorboats or sailboats sixteen feet or more, but  
14 less than twenty-six feet in length, thirty-six dollars.

15     ~~d.~~ c. For motorboats or sailboats twenty-six feet or more,  
16 but less than forty feet in length, seventy-five dollars.

17     ~~e.~~ d. For motorboats or sailboats forty feet in length or  
18 more, one hundred fifty dollars.

19     ~~f.~~ e. For all personal watercraft, forty-five dollars.

20     10. Every registration certificate and number issued  
21 becomes delinquent at midnight April 30 of the last calendar  
22 year of the registration period unless terminated or  
23 discontinued in accordance with this chapter. After January 1,  
24 2007, an unregistered vessel and a renewal of registration may  
25 be registered for the three-year registration period beginning  
26 May 1 of that year.

27     a. When unregistered vessels are registered after May 1 of  
28 the second year of the three-year registration period, such  
29 unregistered vessels may be registered for the remainder of the  
30 current registration period at two-thirds of the appropriate  
31 registration fee.

32     b. When unregistered vessels are registered after May 1  
33 of the third year of the three-year registration period, such  
34 unregistered vessels may be registered for the remainder of the  
35 current registration period at one-third of the appropriate

1 registration fee.

2     11. If a timely application for renewal is made, the  
3 applicant shall receive the same registration number allocated  
4 to the applicant for the previous registration period. If the  
5 application for registration for the three-year registration  
6 period is not made before May 1 of the last calendar year of the  
7 registration period, the applicant shall be charged a penalty  
8 of five dollars.

9     ~~4.~~ 12. a. If a person, after registering a vessel, moves  
10 from the address shown on the registration certificate, the  
11 person shall, within ten days, notify the county recorder in  
12 writing of the old and new address. If appropriate, the county  
13 recorder shall forward all past records of the vessel to the  
14 recorder of the county in which the owner resides.

15     b. If the name of a person, who has registered a vessel, is  
16 changed, the person shall, within ten days, notify the county  
17 recorder of the former and new name.

18     c. No fee shall be paid to the county recorder for making  
19 the changes mentioned in this subsection, unless the owner  
20 requests a new registration certificate showing the change, in  
21 which case a fee of one dollar plus a writing fee shall be paid  
22 to the recorder.

23     13. a. If a registration certificate is lost, mutilated or  
24 becomes illegible, the owner shall immediately make application  
25 for and obtain a duplicate registration certificate by  
26 furnishing information satisfactory to the county recorder.

27     b. A fee of one dollar plus a writing fee shall be paid to  
28 the county recorder for a duplicate registration certificate.

29     14. If a vessel, registered under this chapter, is destroyed  
30 or abandoned, the destruction or abandonment shall be reported  
31 to the county recorder and the registration certificate shall  
32 be forwarded to the office of the county recorder within ten  
33 days after the destruction or abandonment.

34     ~~5.~~ 15. All records of the commission and the county  
35 recorder, other than those declared by law to be confidential

1 for the use of the commission and the county recorder, shall be  
2 open to public inspection during office hours.

3 ~~6.~~ 16. The owner of each vessel which has a valid marine  
4 document issued by the bureau of customs of the United States  
5 government or any federal agency successor thereto shall  
6 register it every three years with the county recorder in the  
7 same manner prescribed for undocumented vessels and shall cause  
8 the registration validation decal to be placed on the vessel in  
9 the manner prescribed by the rules of the commission. When the  
10 vessel bears the identification required in the documentation,  
11 it is exempt from the placement of the identification numbers  
12 as required on undocumented vessels. The fee for such  
13 registration is twenty-five dollars plus a writing fee.

14 ~~7.~~ 17. If the owner of a currently registered vessel places  
15 the vessel in storage, the owner shall return the registration  
16 certificate to the county recorder with an affidavit stating  
17 that the vessel is placed in storage and the effective date of  
18 the storage. The county recorder shall notify the commission  
19 of each registered vessel placed in storage. When the owner  
20 of a stored vessel desires to renew the vessel's registration,  
21 the owner shall apply to the county recorder and pay the  
22 registration fees plus a writing fee as provided in subsections  
23 ~~1~~ 2 and ~~3~~ 9 without penalty. No refund of registration fees  
24 shall be allowed for a stored vessel.

25 ~~8.~~ 18. The registration certificate shall indicate if the  
26 vessel is subject to the requirement of a certificate of title  
27 and the county from which the certificate of title is issued.

28 Sec. 2. Section 462A.5A, Code 2011, is amended to read as  
29 follows:

30 **462A.5A Filing bond as assurance of ownership.**

31 An applicant for registration of a vessel for which the  
32 county recorder is not satisfied as to the ownership of the  
33 vessel as provided in section 462A.5, subsection ~~1~~ 2, shall  
34 file with the department a bond in the form prescribed by the  
35 department and executed by the applicant, and also executed by

1 a person authorized to conduct a surety business in this state.  
2 The form and amount of the bond shall be established by rule  
3 of the department. The bond shall be conditioned to indemnify  
4 any prior owner and secured party and any subsequent purchaser  
5 of the vessel or person acquiring any security interest in the  
6 vessel, and their respective successors in interest, against  
7 any expense, loss, or damage, including reasonable attorney  
8 fees, by reason of the issuance of the registration certificate  
9 of the vessel or on account of any defect in or undisclosed  
10 security interest upon the right, title, and interest of the  
11 applicant in and to the vessel. Any such interested person  
12 has a right of action to recover on the bond for any breach of  
13 its conditions, but the aggregate liability of the surety to  
14 all persons shall not exceed the amount of the bond. The bond  
15 shall be returned at the end of three years or prior thereto  
16 if the vessel is no longer registered in this state and the  
17 registration certificate is surrendered to the department,  
18 unless the department has been notified of the pendency of an  
19 action to recover on the bond.

20 Sec. 3. Section 462A.6, subsection 7, Code 2011, is amended  
21 by striking the subsection and inserting in lieu thereof the  
22 following:

23 7. A vessel of any length without motor or sail.

24 EXPLANATION

25 This bill provides that a vessel of any length without  
26 a motor or sail is exempt from the registration and  
27 identification numbering requirements of Iowa law. Currently,  
28 the only vessels without a motor or sail that are exempt from  
29 these requirements are inflatable vessels, seven feet or less  
30 in length, and conventional design canoes and kayak-type  
31 vessels, 13 feet or less in length.

32 A coordinating change is made to an internal reference in  
33 Code section 462A.5A.